

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CHARLES A. JONES,

Plaintiff,

v.

ALL AMERICAN AUTO PROTECTION,  
INC.; et al.,

Defendants.

3:14-CV-0199-LRH-WGC

ORDER

Before the court is plaintiff Charles A. Jones' ("Jones") motion for leave to file an amended complaint. Doc. #48.<sup>1</sup>

**I. Facts and Procedural History**

This is a class action brought by Jones against defendants to determine whether defendants violated the Telephone Consumer Protection Act ("TCPA") when they allegedly placed telemarketing calls to Jones' cellular telephone in an effort to sell extended auto service warranties. On April 14, 2014, Jones filed his initial complaint for violation of the TCPA. Doc. #1. Thereafter, Jones filed the present motion for leave to file an amended complaint. Doc. #48.

**II. Discussion**

A party may amend its pleadings after a responsive pleading has been filed by leave of court. FED. R. CIV. P. 15(a)(2). Leave of court to amend should be freely given when justice so

<sup>1</sup> Refers to the court's docket entry number.

1 requires and when there is no undue delay, bad faith, or dilatory motive on the part of the moving  
2 party. *See Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191 (D. Nev. 2009); *DCD*  
3 *Programs, LTD v. Leighton*, 883 F.2d 183 (9th Cir. 1987).


4 Here, Jones requests leave to amend his complaint to add an additional class representative,  
5 Josh Watson; add four additional defendants; and add an additional cause of action under the  
6 TCPA for alleged violations of the national "do-not-call" list. *See* Doc. #48. A copy of the  
7 proposed amended complaint is attached to the motion in accordance with LR 15-1. Doc. #48,  
8 Exhibit 1.

9 The court finds that there is no undue delay, bad faith, or dilatory motive on behalf of Jones  
10 in requesting leave to amend his complaint. Further, the court finds that the matter is early in  
11 discovery and that the defendants would not be prejudiced by allowing amendment. Moreover,  
12 defendants did not oppose Jones' motion. Accordingly, Jones shall be granted leave to amend his  
13 complaint.

14  
15 IT IS THEREFORE ORDERED that plaintiff's motion for leave to file an amended  
16 complaint (Doc. #48) is GRANTED. Plaintiff Charles A. Jones shall have ten (10) days after entry  
17 of this order to file the amended complaint attached as Exhibit 1 to the motion for leave to file an  
18 amended complaint (Doc. #48, Exhibit 1).

19 IT IS SO ORDERED.

20 DATED this 13th day of January, 2015.

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23 LARRY R. HICKS  
24 UNITED STATES DISTRICT JUDGE  
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